

S.N. 09/995,492

REMARKS

Claims 1-4, 6, 7, 9 and 11-18 are pending in this application.

Claims 1-4, 6, 7, 9 and 11-18 are rejected.

Claims 1-4, 6, 7, 9 and 11-18 are rejected under 35 USC §103 as being unpatentable over Ginter et al U.S. Patent No. 6,658,568 in view of Ryan et al. U.S. Patent publication 2003/0040992. The claims are also rejected under the second paragraph of 35 USC §112. Claim objections are also raised. The rejections and objections have been rendered moot by the amendments above. Claims 1-4, 6, 7, 9 and 11-18 have been cancelled and replaced by new claims 19-24.

Ginter et al. disclose a distributed commerce utility 75 that can support a plurality of electronic appliances 100 via a network 150. A consumer 95 can use an electronic appliance 100 to purchase goods that are protected by copyright. The distributed commerce utility 75 includes the following components.

Financial clearinghouse 200	Interacts with a bank or credit card company to process payments by consumers	Col. 27, line 30 to col. 28, line 15
Usage Clearinghouse 300	Analyzes and issues reports about consumer usage (e.g., videos watched, consumer viewing habits, ratings information)	Col. 28, lines 17-61
Rights & permissions clearinghouse 400	Specifies the permissions and conditions with which videos can be viewed	Col. 29, lines 10-16

S.N. 09/995,492

Certifying authority 500	Certifies the identities of the parties to a transaction	
Directory services 600	Looks up contact information in response to consumer requests	Col. 30, line 55 to col. 31, line 28
Transaction authority 700	Coordinates activities to ensure that all steps in a transaction are completed. Maintains records of the steps	Col. 31, line 55 to col. 32, line 6
VDE administrator 800	Provides electronic maintenance to maintain the security of the processing environment	Col. 33, lines 7-25

Ryan discloses a system including tax meters 13 that communicate with a certified service provider (CSP). A seller supplies transaction information to a tax meter 13 (para. 18, lines 15-19), and the tax meter performs tax calculations and indicates the taxes due on a transaction (para. 19, lines 4-5). The tax meter 13 also maintains a log of all transactions, and sends aggregate tax information to certified service provider 14 (para. 19, lines 8-11). The certified service provider sets up tax record databases for each seller, verifies correct operation of the meter 13, prompts the meter to send audit data, pays taxes to taxing jurisdictions, and files tax returns with taxing jurisdiction in behalf of sellers.

New base claim 19 recites a secure transaction system comprising a plurality of servers for providing a web-based tax service that allows merchant subscribers to accumulate tax information. Neither Ginter et al. nor Ryan teaches or suggests this feature. Ryan et al.'s tax meter is not web-based.

S.N. 09/995,492

As for Ginter et al., a first passage at col. 22, lines 15-25 simply discusses the selection of a particular commerce utility system. A second passage at col. 35, lines 55-60 lists a number of functions performed by a commerce utility system, including certain tax-related activities. However, none of these activities include a web-based tax service that allows merchant subscribers to accumulate tax information. A third passage at col. 46, lines 30-35 simply states that Ginter et al.'s system can distribute tax payments to local and federal governments. A fourth passage at col. 49, lines 50-53 simply relates to how a financial clearinghouse analyzes and audit trail.

The combined teachings of Ginter et al. and Ryan et al. do not produce the system of claim 1. Therefore, claim 19 and its dependent claims 20-24 should be allowed over the combination of Ginter et al. and Ryan et al.

New claim 20 recites that the web-based tax service further includes tax identification, tax computation, tax collection, tax remittance and tax reporting for audit servers. Claim 20 should be allowed for the additional reason that Ryan distributes these services between the tax meters and the CSP.

New claim 23 further recites a security means including a tiered architecture, PKI 2-way authentication and authorization, HTTPS post, with XML document and SSH for remote administration. These features, coupled with the subscription-based service model, ensure flawless operation of the transaction system. Although Ginter et al. disclose certain aspects, they does not disclose the combination recited in claim 23.

Numerous objections to the drawing have been noted. The office action objects to Figure 4 because reference numerals are used in the specification but not shown in the drawings. This objection has been overcome by adding reference numerals 4 and 61 to Figure 4 as indicated in replacement sheet 5/12. Numeral 61 refers to code that is resident in server 60.

S.N. 09/995,492

The office action objects to the drawings because the same reference character is used to reference different parts. The objection to reference character 60 has been overcome by deleting it in Figure 1 on replacement sheet 1/12 and deleting the label "Pilot" in Figure 2 on sheet 3/12 (Figure 3 simply shows that the service provider server 60 is part of the Web layer). The objection to the use of reference character 50 has been overcome by relabeling block 50 in Figure 1 on replacement sheet 1/12, and removing the label "client" in Figures 2 and 3 on replacement sheets 3/12 and 4/12. The objection to the use of reference character 50 in Figures 8 and 9 is respectfully traversed because the specification states that subscribers can be merchants. The objection to Figure 6 has been overcome by deleting the cloud on replacement sheet 6/12.

The office action objects to the drawings because the same parts are referenced by multiple reference numbers. This objection is respectfully traversed. Consider the examples provided on page 3 of the office action. In Figure 1, numeral 1 refers to an infrastructure; numeral 2 refers to a multilayer architecture 2, which describes the organization of the infrastructure; and numeral 100 refers to a system, which is a subset of the infrastructure 1. Numeral 160 of Figure 1 refers to a system backup and recovery module, whereas numeral 260 refers to system backup and recovery service, which is provided by the module 160. Numeral 140 of Figure 1 refers to a notification module, whereas numeral 240 refers to a notification service, which is performed by the notification module 140. Numeral 60 of Figure 8 refers to an Apache Web server 60, whereas numeral 61 refers to code of the web server 60. Thus, these different numerals do not reference the same parts.

S.N. 09/995,492

The office action indicates that shading in Figures 1-6, 8-9 and 12 reduces the legibility. However, these boxes should be considered blank. If the examiner requires the boxes to have legends, legends will be provided. However, the examiner is respectfully to hold this new requirement in abeyance until allowable subject matter has been indicated.

The examiner is encouraged to contact applicants' attorney Hugh Gortler to discuss any issues that might arise.